

CHINA

a. SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
I. TERRITORIAL SEA	Sep 58	Declaration on the Territorial Sea	12nm	"Foreign vessels for military use" require prior permission.
	Jun 83	Maritime Traffic Safety Law		Permission requirement repeated.
	Feb 92	Law on the Territorial Sea & Contiguous Zone	12nm	Permission requirement repeated. Authorizes the establishment of designated sea lanes or traffic separation schemes within the territorial sea.
				This permission requirement is not recognized by the U.S. U.S. conducted operational assertion in 1996.
II. ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Sep 58	Declaration on the Territorial Sea		Established straight baselines, but no coordinates or geographic points published. Gulf of Pohai and Hainan Strait claimed as internal waters.
	Feb 92	Law on the Territorial Sea & Contiguous Zone		Enabling legislation for straight baselines.
	May 96	Declaration		Established straight baselines for most of Chinese coastline and for the Parcel Islands.
				These straight baseline claims are not recognized by the U.S. U.S. protested claim in 1996.
III. CONTIGUOUS ZONE	Feb 92	Law on the Territorial Sea & Contiguous Zone	24 nm	Claims right to exercise control in contiguous zone to prevent and impose penalties for activities infringing the laws or regulations concerning security. This claim is not recognized by the U.S. U.S. protested claim in 1992.
IV. CONTINENTAL SHELF	Mar 73	Ministry of Foreign Affairs Announcement		Claimed shallow areas of East China and Yellow Seas.
V. FISHING ZONE/EEZ	Dec 75	Agreement on Mutual Fishing Relations with Japan		
	May 96	Declaration	200nm	EEZ.
	Oct 96	Regulations Regarding Management of Marine Scientific Research (MSR) Involving Foreign Vessels		Established system for review and approval of MSR, reporting system for foreign survey vessels and monitoring and inspecting foreign survey ships.

TYPE	DATE	SOURCE	LIMITS	NOTES
VI. ENVIRONMENTAL REGULATION	Aug 82	Marine Environmental Protection Law		
	Dec 83	Regulations on the Control over the Prevention of Pollution by Vessels in Sea Waters		Regulates oil, oil mixtures, wastes and other harmful and poisonous mixtures pollution.
	Mar 85	Regulations on the Control over Dumping Wastes into the Sea Waters		Controls dumping in territorial sea, onto continental shelf, and other sea areas under Chinese jurisdiction. Does not include wastes created from the normal operation of a vessel. Requires prior notification of shipping wastes through Chinese sea areas.
VIII. LOS CONVENTION	Dec 82			Signed, with declaration.
	Jul 94			Signed Part XI Agreement, subject to ratification.
	May 96			Acceded to Convention, ratified Part XI.
				Declaration made that prior notification is required for the passage of warships through the territorial sea. This requirement is not recognized by the U.S.

b. DOMESTIC LEGISLATION AND REGULATIONS

1. STRAIGHT BASELINES

A. LEGISLATION. Following are extracts from the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone, approved and effective on 25 February 1992:

Article 1: This Law is enacted by the People's Republic of China to exercise its sovereignty over its territorial sea and the control over its contiguous zone, and to safeguard its national security and to its maritime rights and interests.

Article 2: The territorial sea of the People's Republic of China is the sea adjacent to the land territory and the internal waters of the People's Republic of China.

The land territory of the People's Republic of China includes the mainland of the People's Republic of China and its coastal islands; Taiwan, and all islands appertaining thereto including the Diaoyu Islands; the Penghu Islands, the Dongsha Islands, the Xisha Islands, the Zhongsha Islands, the Nansha Islands; as well as other islands belonging to the People's Republic of China.

The waters on the landward side of the baselines of the territorial sea of the the People's Republic of China constitute the internal waters of the People's Republic of China.

Article 3: The breadth of the territorial waters of the People's Republic of China is twelve nautical miles measured from the baselines of the territorial sea.

The method of straight baselines composed of all the straight lines joining the adjacent base points shall be employed in drawing the baselines of the territorial sea of the People's Republic of China.

The outer limits of the territorial sea of the People's Republic of China is the line every point of which is at a distance equal to twelve nautical miles from the nearest point of the baseline of the territorial sea.

Article 4: The Contiguous Zone of the People's Republic of China is the sea belt adjacent to and beyond the territorial sea. The breadth of the Contiguous Zone is twelve nautical miles.

The outer limits of the Contiguous Zone of the People's Republic of China is the line every point of which is at a distance equal to twenty-four nautical miles from the nearest point of the baseline of the territorial sea.

Article 6: Foreign non-military vessels by law shall enjoy the right of innocent passage through the territorial sea of the People's Republic of China in accordance with the law.

Foreign ships for military purposes shall be subject to approval by the Government of the People's Republic of China for entering the territorial sea of the People's Republic of China

Article 8: ...Foreign nuclear-powered ships and ships carrying nuclear, noxious or other dangerous substances, when passing through the territorial sea of the People's Republic of China, must carry relevant documents and take special precautionary measures.

Article 9: The Government of the People's Republic of China may, for maintaining the safety of navigation or for other special needs, request foreign ships passing through the territorial sea of the People's Republic of China to use the designated sea lanes or to navigate according to the prescribed traffic separation schemes. The specific regulations to this effect shall be promulgated by the Government of the People's Republic of China or its competent authorities concerned.

Article 13: The People's Republic of China has the right to exercise control in the contiguous zone to prevent and impose penalties for activities infringing the laws or regulations concerning security, the customs, finance, sanitation or entry and exit control within its land territory, internal waters or territorial sea.

Article 15: The baselines of the territorial sea of the People's Republic of China shall be promulgated by the Government of the People's Republic of China.

The following is an extract from the Government of the People's Republic of China Declaration of 4 September 1958 on the territorial sea:

China's territorial sea along the mainland and its coastal islands takes as its baseline the line composed of the straight lines connecting basepoints on the mainland coast and on the outermost of the coastal islands; the water area extending twelve nautical miles outward from this baseline is China's territorial sea. The water area inside the baseline, including Pohai Bay and Chiungchow Straits, are Chinese inland waters. The islands inside the baseline, including Tungyin Island, Kaoteng Island, the Matsu Islands, the Paichuan Islands, Wuchiu Island, the Greater and Lesser Quemoy Islands, Tatan Island, Erhtan Island and Tungting Island, are islands of the Chinese inland waters.

DECLARATION OF THE GOVERNMENT OF THE PRC ON BASELINES OF THE TERRITORIAL SEA

In accordance with the Law of the PRC on the Territorial Sea and the Contiguous Zone adopted and promulgated on 25 February 1995, the Government of the PRC hereby announces the baselines of part of its territorial sea adjacent to the mainland and those of the territorial sea adjacent to its Xisha (Paracel) Islands as follows:

- I. The baselines of part of the territorial sea adjacent to the mainland are composed of all the straight lines joining the adjacent base points listed below:

Point	Latitude (N)	Longitude (E)
1	37° 24.0'	122° 42.3'
2	37° 23.7'	122° 42.3'
3	36° 57.8'	122° 34.2'
4	36° 55.1'	122° 32.7'
5	36° 53.7'	122° 31.1'
6	36° 44.8'	122° 15.8'

Point	Latitude (N)	Longitude (E)
7	35° 53.6'	120° 53.1'
8	35° 00.2'	119° 54.2'
9	33° 21.8'	121° 20.8'
10	33° 00.9'	121° 38.4'
11	31° 25.3'	122° 14.6'
12	30° 44.1'	123° 09.4'
13	30° 43.5'	123° 09.7'
14	30° 10.1'	122° 56.7'
15	28° 53.3'	122° 16.5'
16	28° 23.9'	121° 55.0'
17	28° 23.5'	121° 54.7'
18	27° 27.9'	121° 07.8'
19	26° 22.6'	120° 30.4'
20	26° 09.4'	120° 24.3'
21	25° 25.8'	119° 56.3'
22	24° 58.6'	119° 28.7'
23	24° 09.7'	118° 14.2'
24	23° 31.9'	117° 41.3'
25	23° 12.9'	117° 14.9'
26	23° 12.3'	117° 13.9'
27	22° 56.1'	116° 29.7'
28	22° 18.9'	115° 07.5'
29	21° 48.5'	113° 58.0'
30	21° 34.1'	112° 47.9'
31	21° 27.7'	112° 21.5'
32	19° 58.5'	111° 16.4'
33	19° 53.0'	111° 12.8'
34	18° 39.7'	110° 29.6'
35	18° 39.4'	110° 29.1'
36	18° 26.1'	110° 08.4'
37	18° 23.0'	110° 03.0'
38	18° 11.0'	109° 42.1'
39	18° 11.0'	109° 41.8'

Point	Latitude (N)	Longitude (E)
40	18° 09.5'	109° 34.4'
41	18° 14.6'	109° 07.6'
42	18° 19.3'	108° 57.1'
43	18° 30.2'	108° 41.3'
44	18° 30.4'	108° 41.1'
45	18° 31.0'	108° 40.6'
46	18° 31.1'	108° 40.5'
47	18° 50.5'	108° 37.3'
48	19° 11.6'	108° 36.0'
49	19 21.1'	108° 38.6'

II. The baselines of the territorial sea adjacent to the Xisha (Paracel) Islands of the PRC are composed of all the straight lines joining the adjacent base points listed below:

Point	Latitude (N)	Longitude (E)
1	16° 40.5'	112° 44.2'
2	16° 40.1'	112° 44.5'
3	16° 39.8'	112° 44.7'
4	16° 04.4'	112° 35.8'
5	16° 01.9'	112° 32.7'
6	16° 01.5'	112° 31.8'
7	16° 01.0'	112° 29.8'
8	15° 46.5'	111° 12.6'
9	15° 46.4'	111° 12.1'
10	15° 46.4'	111° 11.8'
11	15° 46.5'	111° 11.6'
12	15° 46.7'	111° 11.4'
13	15° 46.9'	111° 11.3'
14	15° 47.2'	111° 11.4'
15	17° 04.9'	111° 26.9'
16	17° 05.4'	111° 26.9'
17	17° 05.7'	111° 27.2'
18	17° 06.0'	111° 27.8'
19	17° 06.5'	111° 29.2'
20	17° 07.0'	111° 31.0'

Point	Latitude (N)	Longitude (E)
21	17° 07.1'	111° 31.6'
22	17° 06.9'	111° 32.0'
23	16° 59.9'	112° 14.7'
24	16° 59.7'	112° 15.6'
25	16° 59.4'	112° 16.6'
26	16° 58.4'	112° 18.3'
27	16° 57.6'	112° 19.6'
28	16° 56.9'	112° 29.5'
1	16° 40.5'	112° 44.2'